LOUISIANA PUBLIC SERVICE COMMISSION MINUTES FROM DECEMBER 16, 2013 OPEN SESSION

MINUTES OF DECEMBER 16, 2013 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN ERIC SKRMETTA, VICE CHAIR CLYDE HOLLOWAY, COMMISSIONERS FOSTER CAMPBELL, LAMBERT BOISSIERE, SCOTT ANGELLE and EXECUTIVE SECRETARY EVE KAHAO GONZALEZ.

Open Session of December 16, 2013, convening at 9:21 A.M. and adjourning at 1:21 P.M., Natchez Room, 602 N. 5th Street, 1st Floor, Baton Rouge, Louisiana, with the above-named members of the Commission and Executive Secretary Eve Kahao Gonzalez.

Ex. 1	Announcements.
	Commissioner Holloway expressed his appreciation with the Pole Attachment Technical Conference and thanked Stephen Kabel for his hard work.
Ex. 2	2014 B & E Meeting Schedule
	In re: Discussion and possible vote to accept the schedule.
	PASSED
	Commissioner Campbell requested, if possible, that meetings in 2014 be scheduled on the 1 st or last Wednesday of each month; however the Commission agreed to meet on January 13, 2014 at 11:00am in Baton Rouge.
Ex. 3	LPSC Administrative Hearings Division
	In re: Discussion and Possible Vote on Proposed Changes to the Rules of Practice and Procedure.
	On motion of Commissioner Holloway, seconded by Commissioner Angelle, and unanimously adopted, the Commission voted to adopt the proposed changes to the Rules of Practice and Procedure to streamline the procedures of the Administrative Hearings Division.
Ex. 4	T-32955 - Louisiana Public Service Commission vs. Dual Trucking, Inc. (Scott, Louisiana). In re: Alleged violation of Louisiana Revised Statute Title 45:166 and LPSC Order 9901 as amended, by authorizing vehicles not affiliated with Dual Trucking, Inc. to utilize Common Carrier Certificate 5151-I on 50 counts; allegedly occurring on or about November 01, 2012 through November 30, 2012.
	In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.
	On motion of Commissioner Skrmetta, seconded by Commissioner Angelle, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.
	On motion of Commissioner Skrmetta seconded by Commissioner Angelle, and unanimously adopted, the Commission voted to approve the agreement between Staff and the Carrier of November 22, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes 45:166 and LPSC Order 9901 on 41 counts. Further, Staff recommends that the Commission authorize and approve the fine of \$22,500 with \$11,000 suspended, conditioned on the Carrier not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$11,525.00 to be paid to the Commission over four (4) months.

Ex. 5T-32959 - Louisiana Public Service Commission vs. Intracoastal Liquid Mud, Inc. (Lafayette, Louisiana). In re: Alleged violation of Louisiana Revised Statute Title 45:166 and LPSC Order 9901 as amended, by authorizing vehicles not affiliated with Intracoastal Liquid Mud, Inc. to utilize Common Carrier Certificate 5561-D on 17 counts; allegedly occurring on or about February 01, 2013 through February 28, 2013.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to approve the agreement between Staff and the Carrier of November 8, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes 45:166 and LPSC Order 9901 on 17 counts. Further, Staff recommends that the Commission authorize and approve the fine of \$17,000 with \$8,500 suspended, conditioned on the Carrier not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$8,525.00 to be paid to the Commission.

Ex. 6 T-32840 - Louisiana Public Service Commission vs. Roy Bailey Construction, Inc. (Bell City, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating beyond the scope of authority granted in LPSC 5917-A on seventy (70) counts; allegedly occurring on or about April 1, 2013 through May 31, 2013.

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Angelle, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to approve the agreement between Staff and the Carrier of October 22, 2013, wherein the Carrier agreed to plead guilty and admit that it had violated Louisiana Revised Statutes Title 45:161 through 180.1, as amended, on sixty-one (61) counts. Further, Staff recommends that the Commission authorize and approve the fine of \$35,000 with \$17,500 suspended, conditioned on the Carrier not committing any additional violations for one (1) year from the date of the agreement, along with a citation fee of \$25.00, for a total of \$17,525.00 to be paid to the Commission over the course of six (6) months.

Ex. 7 I-33013 - Southwestern Electric Power Company (SWEPCO), ex parte. In re: 2013 Integrated Resource Planning ("IRP") process for Southwestern Electric Power Company (SWEPCO) pursuant to General Order dated April 20, 2012.

In re: Discussion and possible vote to hire technical consultant.

Commissioner Skrmetta made a motion to hire United Professionals Company, which was seconded by Commissioner Boissiere and objected to by Commissioner Angelle.

Commissioner Campbell made a substitute motion to hire J. Kennedy and Associates, which was seconded by Commissioner Angelle. The motion failed by a vote of 2-2, with Commissioner Skrmetta and Commissioner Boissiere objecting and Commissioner Holloway temporarily absent.

Commissioner Skrmetta re-urged his original motion to hire United Professionals Company to assist staff throughout the completion of the 24 month process for a not to exceed bid of \$90,000 in fees, \$9,000 in expenses, for a total not to exceed budget of \$99,000. The motion passed without opposition.

Ex. 8	I-33014 - Entergy Louisiana, LLC and Entergy Gulf States Louisiana, LLC. In re: 2013 Integrated Resource Planning ("IRP") process for Entergy Louisiana LLC and Entergy Gulf States Louisiana, LLC pursuant to General Order April 20, 2012.
	In re: Discussion and possible vote to hire technical consultant.
	On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, the Commission voted to retain J. Kennedy and Associates, Inc. to assist Staff throughout the conclusion of the review period for a proposed not to exceed budget of \$55,760 in fees, \$2,950 in expenses, for a total not to exceed budget of \$58,710.
Ex. 9	I-33015 - Cleco Power LLC, ex parte. In re: 2013 Integrated Resource Planning ("IRP") process for Cleco Power LLC pursuant to General Order dated April 20, 2012.
	In re: Discussion and possible vote to hire technical consultant.
	Commissioner Angelle made a motion to hire J. Kennedy and Associates, which was seconded by Commissioner Campbell. Said motion died for lack of a majority vote.
	On substitute motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, with Commissioner Holloway concurring and Commissioner Campbell and Commissioner Angelle objecting, the Commission voted to hire Henderson Ridge Consulting, Inc. to assist Staff for the 12-event, 24-month period for a proposed budget of \$73,425 in fees and \$5,200 in expenses.
Ex. 10	U-32707 - Entergy Gulf States Louisiana, L.L.C, ex parte. In re: Application for Authority to Change Rates, Approval of Formula Rate Plan and for Related Relief.
	In re: Discussion and possible vote on Uncontested Stipulated Settlement.
	On motion of Commissioner Boissiere, seconded by Commissioner Holloway, with Commissioner Skrmetta concurring and Commissioner Campbell and Commissioner Angelle objecting, the Commission voted to approve the Uncontested Stipulated Settlement filed December 4, 2013.
	Commissioner Campbell made a substitute motion to approve the Uncontested Stipulated Settlement at a target return on equity of 9.0% instead of the proposed 9.95%. Said motion died for lack of a second.
Ex. 11	U-32708 - Entergy Louisiana, LLC, ex parte. In re: Application for Authority to Change Rates, Approval of Formula Rate Plan and for Related Relief.
	In re: Discussion and possible vote on Uncontested Stipulated Settlement.
	On motion of Commissioner Holloway, seconded by Commissioner Skrmetta, with Commissioner Boissiere concurring and Commissioner Campbell and Commissioner Angelle objecting, the Commission voted to approve the Uncontested Stipulated Settlement filed December 4, 2013.
	Commissioner Campbell made a substitute motion to approve the Uncontested Stipulated Settlement with the exception that there will be no change in rates through 2016. Said motion died for lack of a second.

Ex. 12 U-32707 - Entergy Gulf States Louisiana, L.L.C, ex parte. In re: Application for Authority to Change Rates, Approval of Formula Rate Plan and for Related Relief.

U-32708 - Entergy Louisiana, LLC, ex parte. In re: Application for Authority to Change Rates, Approval of Formula Rate Plan and for Related Relief.

In re: Expansion of scope of work for Stone Pigman and Sisung Group and for additional budget for Sisung Group for expedited tariff review as set forth in the Stipulated Settlement Term Sheet paragraph F.1.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to authorize Stone Pigman and Sisung Group to assist Staff with this limited, expedited tariff review arising out of paragraphs F.1. of the Stipulated Settlement Term Sheets and approve the expanded scopes of work for Stone Pigman and Sisung Group and the additional budget proposal of Sisung Group.

Ex. 13 U-32939 - Baton Rouge Water Company, ex parte. In re: Application for an increase in rates and fees for water service for Baton Rouge Water Company.

In re: Discussion and possible vote on Uncontested Stipulated Agreement.

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, with Commissioner Boissiere and Commissioner Angelle concurring and Commissioner Campbell objecting, the Commission voted to adopt in its entirety the uncontested stipulated settlement filed into this docket on November 8, 2013 and that the order be effective immediately and applicable to bills rendered after the effective date.

Ex. 14 U-33034 - Rain CII Carbon, LLC, ex parte. In re: Petition for Reservation of Capacity as to the Standard Offer Tariff Option for New Renewable Resources.

In re: Discussion and possible vote pursuant to Rule 57 of the Commission's Rules of Practice and Procedure on Petition for Reservation of Capacity.

On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere and Commissioner Campbell temporarily absent, the Commission voted to assert its original and primary jurisdiction and take this matter up pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Skrmetta and Commissioner Campbell temporarily absent, the Commission voted to approve the request by Rain CII Carbon LLC for a reservation of fifteen (15) megawatts of the capacity authorized for the Entergy Louisiana, LLC Standard Offer Tariff Option for New Renewable Resources under §3.1.2 of the Commission's Renewable Energy Pilot Program Implementation Plan subject to the following conditions:

- (a) The following Project Milestones are met:
 - 1. By June 30, 2014, Rain CII Carbon LLC's Board has approved and awarded the construction contract(s);
 - 2. By March 31, 2015, construction has commenced; and
 - 3. By March 31, 2016, the project is in commercial operation.
- (b) The project otherwise meets the requirements of the current Schedule REP Rate for Renewable Energy Pilot Purchases by Entergy Louisiana, LLC,

This reservation to Rain CII Carbon LLC shall not serve to: (a) extend the Commission's pilot program standard offer pricing of \$30/MWH above avoided cost beyond a contract term of five years allowed for in the Renewable Pilot Implementation Plan; or (b) waive the requirement that Petitioner's project meet the requirements for "new" renewable generation pursuant to the Renewable Pilot Implementation Plan.

Ex. 15	U-32138 - Wastewater Treatment Systems & Operations, LLC (WTSO, LLC), ex parte. In re: Request for an increase in water and wastewater rates.
	In re: Discussion and possible vote pursuant to Rule 57 of the Commission's Rules of Practice and Procedure on Staff Report in response to 2013 Rate Review Submission in accordance with Ordering Paragraph 10 of Order No. U-32138-A (Feb. 4, 2013).
	PASSED
	On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to extend the interim rate until the January B&E Meeting.
Ex. 16	U-32628 - Entergy Gulf States Louisiana, LLC and Entergy Louisiana, LLC. ex parte. In re: Joint Application for Approval of the Modification of the Current Methodology for Calculating Avoided Cost.
	In re: Discussion and possible vote on ALJ recommendation.
	On motion of Commissioner Skrmetta, seconded by Commissioner Angelle and Commissioner Campbell temporarily absent, the commission voted to accept the Companies Joint Application for Approval of the Modification of the Current Methodology for Calculating Avoided Cost filed in this docket is appropriate, in compliance with PURPA and FERC implementing regulations, in compliance with Commission rules as well as the accepted concepts of avoided cost, and is approved subject to the contingencies and conditions outlined.
Ex. 17	U-32766 - Cleco Power LLC, ex parte. In re: Application for Certificate of Public Convenience and Necessity to (I) Authorization to Acquire the Coughlin Power Station from Cleco Evangeline LLC; (II) Authorization to Recover in its Jurisdictional Rates the Charges that Cleco Power LLC Incurs to Acquire, Own, and Operate the Coughlin Power Station; And (III) Expedited Treatment
	In re: Discussion and possible vote on Proposed Uncontested Stipulated Settlement.
	On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Proposed Uncontested Stipulated Settlement executed by Staff and by Cleco Power LLC.
Ex. 18	U-32913 - Northeast Louisiana Power Cooperative, Inc., ex parte. In re: Notification pursuant to the LPSC's 2011 Net Metering Order (R-31417).
	U-32915 - Panola-Harrison Electric Cooperative, Inc., ex parte. In re: Notification pursuant to the LPSC's 2011 Net Metering Order (R-31417).
	U-32916 - Washington-St. Tammany Electric Cooperative, Inc. (WSTE), ex parte. In re: Notification pursuant to the LPSC's 2011 Net Metering Order (R-31417).
	In re: Discussion and possible vote to approve consultant budget.
	(Exhibit 7 on November 13, 2013 B & E Agenda)
	On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to approve the budget of WHN Consulting.
Ex. 19	S-33010 - Ascension Wastewater Treatment, Inc., ex parte. In re: Application for Request for a Letter of Non Opposition to Ascension Wastewater Treatment, Inc.'s SBA Loan of \$1,844,900.00.
	In re: Discussion and possible vote on Letter of Non-Opposition.
	On motion of Commissioner Skrmetta, seconded by Commissioner Angelle, and unanimously adopted, the Commission voted to grant a letter of non-opposition to Ascension granting approval for the SBA loan based on the following terms and conditions:
	1. Ascension Wastewater Treatment, Inc. shall file, under <u>Docket No. S-33010</u> , a copy of the finalized loan agreement signed by both Ascension and the SBA referencing the above

	mentioned terms within 30 days of closing; and
	2. Ascension Wastewater Treatment, Inc. will not apply in any current or future proceedings to the LPSC for an increase in its rates and charges as a result of the impact that this borrowing may have on the company's Debt Service Coverage Ratio, Return on rate Base, or Operations; and
	3. The Commission reserves its right to review the ratemaking treatment of this loan proposal in any future rate proceeding.
Ex. 20	S-33040 - Red Hill Waterworks, Inc., ex parte. In re: Request for a Letter of Non Opposition to refinance current USDA loan with CoBank for Red Hill Waterworks, Inc.
	In re: Discussion and Possible Vote on Letter of Non-Opposition.
	On motion of Commissioner Holloway, seconded by Commissioner Campbell and Commissioner Angelle temporarily absent, the commission voted to grant a letter of non-opposition to Red hill to refinance its loan held with USDA to a new lender, namely CoBank in the amount of \$282,855.28 with an interest rate of 4.50%.
Ex. 21	R-32975 - Louisiana Public Service Commission, ex parte. In re: Examination of long-term natural gas hedging proposals.
	In re: Discussion and possible vote to hire regulatory consultants.
	(Exhibit 22 on November 13, 2013 B & E Agenda)
	Commissioner Campbell made a motion to hire Exeter Associates. Said motion died for lack of a second.
	On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, with Commissioner Holloway and Commissioner Angelle concurring and Commissioner Campbell objecting, the Commission voted to hire United Professionals Company to assist Staff for a proposed budget of \$125,000 in fees, \$12,500 in expenses, for a total not to exceed budget of \$137,500.
Ex. 22	R-31417 - LPSC, ex parte. In re: Re-examination of the Commission's Net Energy Metering Rules found in General Order No. R-27558, dated November 30, 2005 (the "Net Metering Order")
	In re: Discussion and possible vote to clarify procedures for rejection of applications pursuant to Section 5.02 of the net metering rules.
	(Exhibit 25 on November 13, 2013 B & E Agenda)
	PASSED
Ex. 23	Entergy Services, Inc., Docket Nos. EL01-88 and related bandwidth cases, ER09-1224 & ER13-432 before the Federal Energy Regulatory Commission.
	In re: Possible executive session pursuant to La. R.S. 42:17 to discuss litigation strategy.
	On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, with Commissioners Boissiere and Angelle concurring and Commissioner Campbell temporarily absent, the Commission voted to enter into executive session.
	On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, with Commissioners Boissiere and Angelle concurring and Commissioner Campbell temporarily absent, the Commission voted to exit executive session.
Ex. 24	1) Reports Report on Federal Court decision in NARUC vs. United States Department of Energy Executive Counsel Brandon Frey gave a report that the Court ordered the Secretary for the US Department of Energy ("Secretary", "DOE") to submit a proposal to Congress to change the fee currently being collected from nuclear facilities (and ultimately ratepayers) to zero.
	Assuming the Court's decision is upheld, the DOE will cease collecting the \$750 million in annual fees from nuclear power providers. As both Entergy Gulf States and Entergy Louisiana provide a portion of the power to Louisiana customers via nuclear facilities, this action will have

an impact of eliminating the per customer cost of approximately \$.10 per kWh per EGSL customer and \$.30 per kWh per ELL customer.

- 2) Resolutions
- 3) Discussions

4) ERSC/OMS Business

On motion of Commissioner Angelle, seconded by Commissioner Holloway, with Commissioners Skrmetta and Boissiere concurring and Commissioner Campbell temporarily absent, the Commission voted to ratify the vote of Chairman Skrmetta at the December 5, 2013 OMS Board meeting.

5) Directives

Waste Heat Recovery Directive by Commissioner Angelle (Exhibit 31 on the November 13, 2013 B & E Agenda)

PULLED

Ex. 25 S-32995 - Beauregard Electric Cooperative, Inc., ex parte. In re: Petition for Approval of Letter of Non Opposition to Borrow Funds from National Rural Utilities Cooperative Finance Corporation.

In re: Discussion and possible vote on request for letter of non-opposition to borrow funds from National Rural Utilities Cooperative Finance Corporation.

At the request of Commissioner Holloway.

On motion of Commissioner Holloway, seconded by Commissioner Angelle, and unanimously adopted, the Commission voted to approve the letter of non-opposition with the following conditions:

- 1. Beauregard will file into the record of this proceeding a copy of the signed loan agreement within 30 days of the loan completion date. If the loan has not been signed and filed into the record within 120 days of the date of an Order in this matter, the Commission reserves the right to rescind its non-opposition;
- 2. The Company agrees to maintain its records regarding the refinancing agreement for a period of not less than 5 years after the refinancing is completed and repaid "in full"; and
- **3.** The Commission reserves its right to review the rate impact s a result of this loan in any future rate proceeding.

Ex. 26 S-33008 - North Franklin Water Works, Inc., ex parte. In re: Request for an increase in water rates (non-profit).

In re: Discussion and possible vote on interim rate increase.

At the request of Commissioner Campbell.

On motion of Commissioner Holloway, seconded by Commissioner Angelle, and Commissioner Campbell temporarily absent, the Commission voted to grant an interim increase of Residential \$17.50, \$3.25 per 1,000 over 2,000 and Commercial \$42.00, \$3.25 per 1,000 over 20,000 with the following conditions:

- 1) In order to ensure that the Company will have the ability to refund the interim rate increase, the Company shall file a letter of credit or other Staff approved security, in the amount of \$110,000, which is equal to the increase of revenues for six months, prior to implementing the rate increase.
- 2) If the interim rates have been implemented for six months and the appeal delays have not run on the LPSC's decision on the Company's application for a permanent rate increase, the Company shall file additional security in the amount of \$18,000 per month, to ensure that the ratepayers are protected until there is a final decision on the requested rate increase.
- 3) The Company shall submit into this docket, within thirty days of closing, a copy of all finalized loan agreements signed by both North Franklin and DHH, setting out all terms of the loan.

Ex. 27	U-32913 - Northeast Louisiana Power Cooperative, Inc., ex parte. In re: Notification pursuant to the LPSC's 2011 Net Metering Order (R-31417).
	U-32915 - Panola-Harrison Electric Cooperative, Inc., ex parte. In re: Notification pursuant to the LPSC's 2011 Net Metering Order (R-31417).
	U-32916 - Washington-St. Tammany Electric Cooperative, Inc. (WSTE), ex parte. In re: Notification pursuant to the LPSC's 2011 Net Metering Order (R-31417).
	In re: Discussion and possible vote to take the matter up under Rule 57 and stay the proceedings.
	At the Request of Commissioner Holloway.
	PULLED
Ex. 28	<u>Directive by Commissioner Holloway regarding possible re-examination of LPSC General</u> <u>Order dated September 17, 1991 on customer deposits</u>
	At the request of Commissioner Holloway.
	Commissioner Holloway directs staff to re-examine LPSC General Order dated September 17, 1991 regarding interest on customer deposits to determine if the 5% per annum rate currently required should be lowered.
Ex. 29	Directive by Commissioner Holloway regarding "Monday" Business Executive Meetings
	At the request of Commissioner Holloway.
	Commissioner Holloway directs Staff to set all future "Monday" Business and Executive Session Monthly meetings at a start time of 11:00 AM or 12:00 (Noon).

On motion of Commissioner Skrmetta, seconded by Commissioner Angelle, with Commissioners Holloway and Boissiere concurring and Commissioner Campbell temporarily absent, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held Monday January 13, 2014 at 11:00 a.m. in Baton Rouge, Louisiana.